



"DEVOTED TO STUDENT SUCCESS ... COMMITTED TO STAFF EXCELLENCE!"

COMPUTER SERVICES DEPARTMENT

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

CC Docket No. 02-6
CC Docket No. 96-45

RE: REQUEST FOR REVIEW

Dear Ms. Dortch,

I am writing to request a review of the USAC decision to deny funding for the Los Fresnos Consolidated Independent School District, Billed Entity Number 141656, for E-Rate funding year 2005. Specifically, I am asking that the Commission review the denial of appeal for form 471 Application #460009 for Telecom Services, FRNs 1327365, 1327694, 1328210, and form 471 Application #482490 for Internet Access, FRN 1336058.

The district followed through with the purchase of these priority 1 services and should this appeal be granted, intends to complete the SLD requirements and seek reimbursement for those services that were eligible. Please note that although the SLD denied funding the district for all applications in Funding Year 2005 and the initial appeal to USAC included additional applications for priority 2 services, the district does not wish to include those in this appeal to the FCC.

Initially, the district was denied funding with the explanation *"Applicant failed to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed."* Then, upon appeal to USAC, the district contended the following: A "Request for Quotes" is to be differentiated from a "Request for Proposals". Without a clear definition from USAC of the term "RFP", the district was correct in using what it understood from the Texas Education Agency's Financial Accountability System Resource Guide to be a clear definition of "RFP". And, no competitive bidding rules were violated.

The SLD upheld the initial denial and maintained that *"Although you claim that the Request for Quotes is not a Request for Proposal, you confirm that the Request for Quotes was used to provide the complete list of requested services and items and that the Form 470 did not provide the complete list. The Request for Quotes is a descriptive listing of all services requested. Therefore, it is a request for proposal."* It is the district's contention that a reasonable applicant

could then infer from this statement that if they chose to use any document providing information to the potential bidders supplemental to the form 470, that document could be construed by the SLD as an RFP. In that case, there would be no need for a check box indicating "No, I do not have an RFP" since no reasonable bidder could prepare a complete bid based solely on the information in the form 470, especially for priority 2 services.

The district contends that the SLD erred in both its initial assessment of the applications and in its denial of appeal for those applications. Further, it cannot be concluded that a competitive bidding violation occurred simply because the applicant failed to prove all potential bidders were notified. Nor can it be concluded that by simply failing to check the box on the form 470 that states "Yes, I have an RFP", the district impeded the competitive bidding process by discouraging potential bidders to make contact and inquire further. Any reasonable bidder, in reviewing the district's form 470, would have immediately understood that additional information from the district would be required before a complete bid could be submitted. It is an unreasonable assumption to believe otherwise.

In addition, the district stands by its original contention that the term "RFP", as used by USAC, lacks specificity and that any reasonable person would apply a more detailed definition, especially if the state provided one. Title 34 CFR, Part 80 provides for a competitive procurement process which is the most practical and feasible. In the case of the appeal to USAC, USAC chose to reiterate its vague definition of RFP and ignored its own requirement specifically stating that a beneficiary is to follow applicable state and local procurement law. The District did so by following Section 44 of the Texas Education Code which contains the procurement law pertaining to large purchases and applied the guidelines provided by the state of Texas contained in the Texas Education Agency Financial Accountability System Resource Guide.

By not checking the appropriate box on form 470, which amounts to a clerical error or misinterpretation, the district stands accused of a "bidding violation" as indicated on the Funding Commitment Report, carrying with it all the connotations of a more serious, albeit criminal, violation. Upon review of the following and by applying the principal of the "reasonable man", it will be evident to the Commission that the district acted in a reasonable manner and that due to the lack of clear guidance from the SLD, it would have been unreasonable to have acted differently.

The Los Fresnos Consolidated Independent School District respectfully requests that the Commission grant this Request for Review and remand it to the Universal Service Administrative Corporation's Schools and Libraries Division with instructions to reconsider funding the district's priority 1 services for E-Rate funding year 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Young", is written over the "Sincerely," line.

David Young, Computer Services Director
dyoung@lfcisd.net

LOS FRESNOS CONS IND SCHOOL DISTRICT (BEN 141656)

Telephone: (956) 233-6983

Fax: (956) 233-3527

Universal Service Administrative Company

Letter of Appeal

Schools and Libraries Program
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Applicant Contact Information:

David Young, Computer Services Director
Los Fresnos Consolidated Independent School District
PO Box 309
Los Fresnos, Texas 78566
(956) 233-6983 tel
(956) 233-3527 fax

RE: Appeal of USAC Funding Commitment Decision Letters

USAC Action: Each of the following applications was denied with the same Funding Commitment Decision Explanation: *"Applicant failed to advise bidders that an RFP was issued. An RFP was issued and the Form 470 advised potential bidders that no RFP existed."*

Dated: December 14, 2005 Wave 25

Form 471 Application Numbers: 460009, 482490, 482722, 484449, 482483, and 486307

Funding Year: 2005

Billed Entity Name: LOS FRESNOS CONS IND SCH DIST

Billed Entity Number: 141656

Basis of Appeal: An Incorrect USAC Assumption

In the "Guidelines for Appeal" published on the SLD website it states "...*There are four circumstances when appeals can be granted by USAC, assuming there are no other issues identified during review*". One circumstance that applies to this situation is stated as:

"When the appeal provides documentation to correct an incorrect USAC assumption made because there was insufficient information in the application file about an issue. In general, PIA will contact the applicant and ask for all information necessary to make decisions about an application. If that contact does not occur, and funding is denied based on an incorrect assumption, USAC will grant an appeal when the appellant points out the incorrect assumption and provides documentation about the issue that is consistent with information originally provided but also successfully resolves the ambiguity in the original file."

During the course of PIA review, the district's application was chosen for "Selective Review Information Request", case # SR-2005-141656 (see attachment, exhibit A). The district fully complied with this request which included the following:

from Part I, question 2, with keywords bolded

"Copies of all Requests For Proposals (RFP), etc., where a vehicle other than the Form 470 was used for procurement. (see page 4)"

and, on page 4, explanation 2a,

"Copies of any and all requests for proposals (RFPs), invitation to bid, request for bids, or other documentation of bid requests for services and/or products requested, or other solicitations in any way associated with the applicant's funding request(s) and/or the selection of the service provider(s) that appear(s) on the applicant's funding request(s). Be sure to include any and all amendments made to the original RFP."

After submitting the documents requested, at no time did the reviewer contact the district with questions regarding whether or not the district had issued a RFP (Request for Proposal). In fact, when the district had not heard from the SLD, the district contacted the reviewer via email but did not receive any indication that the reviewer was trying to decide whether a bidding violation occurred (see attachment, exhibit B). The reviewer at no time questioned the process the district took to receive its quotes. An assumption was made by the reviewer that the district had issued a RFP when in fact a RFP was not issued.

In the interest of full and complete answers, the district responded to question #2 in the SRIR regarding RFPs not because a RFP was issued but because of the ambiguous language ***"solicitations in any way associated with the applicant's funding request"***. Because the district responded to question #2, the reviewer assumed that the district had a RFP. However, a closer examination of the documents sent in support of this question clearly indicates that the district was simply requesting quotes for specific sets of equipment and services. There was no "Request for Proposals".

The SLD does not specify the exact nature of the process referred to as "Request for Proposals", but the Texas Education Agency does provide guidance in this area via section 3 (Purchasing) in the *Texas Education Agency Financial Accountability Resource Guide* (see attachment, Exhibit C).

Since the SLD does not give an exact definition of the RFP process, the district is obligated to follow the recommendations of the Texas Education Agency. The process for RFPs defined in the Agency's Resource Guide was not followed, so no claim was made that a RFP was issued. Had the district issued a RFP there would have been a newspaper advertisement, standard terms and conditions, special terms and conditions, scope of work, scope and intent, acknowledgment form/response sheet, felony conviction notice and a contract clause, all of which are stipulated in the Agency's Resource Guide. These items are not present because the district did not issue a RFP.

In using the SLD website in an attempt to ascertain a definition for "Request for Proposals" a search returned the following:

"Request for Proposals. A Request for Proposals (RFP) is not required, but it is a good idea to have one. An RFP describes the project you are undertaking, with

sufficient details to let potential bidders know the scope of your project, the location of your project, and any other requirements you have for the project. If you issue an RFP, you must indicate on the Form 470 where that RFP is available, whether on a web site or from a contact person you have identified on the form. If your state or local procurement regulations impose additional requirements, such as eligibility requirements for bidders, these requirements must also be noted on the Form 470."

Because of the size of the project, it was not possible to list all the items needed on the form 470. When contacted by potential vendors, the district directed all to a web page with links to spreadsheets that contained a complete list of items and services requested. This served as an extension of the form 470, not as a surrogate to it. The title at the top of this page clearly states "Request for Quotes", not "Request for Proposals" (see attachment, Exhibit D). This was done on purpose because the process was not structured as a formal "Request for Proposals" as specified by the Texas Education Agency.

Further, the SLD definition shown above clearly states that *"If your state or local procurement regulations impose additional requirements, such as eligibility requirements for bidders, these requirements must also be noted on the Form 470."* This was noted on the form 470. In block 2, item 12 directs vendors to the district's purchasing website (see attachment, Exhibit E). Nothing on the district's purchasing website suggested that the district undertook formal RFP procedures for E-Rate purchases. There was no "Invitation to Bid". All vendors were free to respond however they desired as long as they quoted those items requested and kept within the timeline which met the USAC required 28 day waiting period.

In summary, two issues must be considered when determining whether the district committed a bidding rules violation:

First, based on the information available from the USAC website, would a reasonable applicant from the state of Texas clearly understand that the SLD has a relatively broad definition of RFP that differs from what is usually understood? The answer is no. There is no clear definition of what the SLD considers a RFP that is counterintuitive to what a Texas school district perceives a RFP to be. Nothing published by USAC directly contradicts the formal process in Texas known as "Request for Proposals".

Most importantly, is there a misunderstanding of the district's bidding process due to an assumption on the part of the SRIR reviewer? The answer is yes, and for this reason alone the appeal must be granted at the USAC level and the district's application must be reconsidered.

The Los Fresnos Consolidated Independent School respectfully requests that the USAC Appeal Hearing Officer carefully weigh the aforementioned aspects of this case, grant the appeal and direct that the application be returned to "Final Review" status.

EXHIBIT A – Excerpts from SRIR Case # SR-2005-141656

From Part I- page 2

Selective Review Information Request Checklist:

Please include the following in your response:

Part I: Information regarding your competitive bidding and vendor selection processes

1. Copies of signed and dated contracts relating to the Form(s) 471 for all contracted services (see Special Note on page 5 regarding State Master Contracts). (see page 3)
2. Copies of all Requests For Proposals (RFP), etc., where a vehicle other than the Form 470 was used for procurement. (see page 4)
3. Copies of all bid responses that were received for all funding requests. (See page 4)
4. Complete documentation regarding the process used for selecting your vendor/service provider(s). (see page 4)
5. Copies of any consulting agreements. (see page 4)
6. Correspondence between the consultant/service provider and the school/library regarding the competitive bidding process and the application process. (see page 4)

From Part II- page 4

2) Bid Responses

- a) Complete copies of any and all proposals, bid responses, etc., received in response to the Form 470, and/or any RFP, or other solicitation in any way associated with the applicant's funding request and/or with the selection of the service provider that appears on the applicant's funding requests. Please include Funding Request Number(s) on relevant Bid Responses. Again, this information should be provided for all funding requests including tariff, month-to-month and contracted services.

EXHIBIT B – Correspondence with SRIR Reviewer

David,

I am currently evaluating your supporting documents. Once completed, I'll be contacting you if there are any questions or if there's a need for further clarification. If you have any questions, please contact me at 973-581-5097.

Cheers,

Al Arauz
Selective Reviewer

From: Young, David [mailto:dyoung@lfcisd.net]
Sent: Friday, November 11, 2005 3:01 PM
To: Arauz, Adolfo
Subject: RE: Selective Review # 141656 for FY 2005-06

Mr. Arauz,

Can you give me an idea of how far along PIA is in our selective review process? I'd like to be able to give my supervisor an idea of when we might know about the funding for this year and whether we might need to adjust our Technology Plan for next year. If you have any questions please feel free to contact me.

Thanks,
David Young

EXHIBIT C – Excerpt from Texas Education Agency FAS Resource Guide 12

From the Texas Education Agency Financial Accountability System Resource Guide 12, Section 3 - Purchasing

3.2.3.2 Competitive Sealed Proposals/Request for Proposals

The competitive sealed proposal process is an alternative to competitive bidding. The terms and conditions of competitive sealed proposals are identical to those for competitive bidding except that an important difference between competitive sealed proposals and competitive sealed bidding relates to the finality of initial offers. Under competitive sealed proposals, changes in the nature of a proposal, and in prices, may be negotiated after proposals are opened. In contrast, changes in the price of goods and services are not negotiable in the competitive bidding process. The competitive sealed proposal process provides for full competition among proposals and allows for negotiation with the proposer or proposers to obtain the best services at the best price. Competitive proposal procedures are recommended where other procurement procedures are not required according to state or federal rules, laws or regulations, in order to stimulate competitive prices for services.

Competitive bidding is prohibited for certain types of professional services, including engineering, architecture, accounting and certain other services (Chapter 2254 Government Code). However, Chapter 2254 of the Government Code does specify a two-step proposal process for obtaining services from architects and engineers.

A Request for Proposals (RFP) is a part of the competitive sealed proposal process. The RFP is the mechanism that generates the receipt of competitive sealed proposals and should contain several key elements:

- ❖ Determination by board of trustees that this method will provide the best value for the district must be done first, if a construction contract
- ❖ Newspaper advertisement
- ❖ Notice to proposers
- ❖ Standard terms and conditions
- ❖ Special terms and conditions
- ❖ Scope of work
 - Scope and intent
 - Definitions and applicable documents
 - Requirements
 - Quality assurance
- ❖ Acknowledgment form/response sheet
- ❖ Felony conviction notice
- ❖ Contract clause

EXHIBIT D – LFCISD 2005 E-Rate Web Page

REQUEST FOR QUOTES

LOS FRESNOS CISD

E-RATE YEAR 2005

Los Fresnos CISD is seeking quotes for goods and services under E-Rate funding year 2005 (July 1, 2005 through June 30, 2006).

GENERAL DESCRIPTION: The district is seeking the following:

Priority 1 Telecommunication Services consisting of:

- Telephone Service – including POTS (Plain Old Telephone Service), local phone service, Centrex (Plexar) phone services, local long distance (Valley Wide Calling), long distance telephone service, PRI (ISDN) services, DID services and cell phone services.

Priority 1 Internet Access Services consisting of:

- Wide Area Network Services – Digital Transmission Services such as DS3 or other equivalent technology capable of providing 12 to 18 Mbps between the district's network core and the district's Internet service provider. Metropolitan Area Network services such as GigaMAN or other equivalent technology capable of providing 1 Gbps between the district's network core and Los Fresnos High School. Digital Transmission Services such as T-1's or other equivalent technology capable of providing 1.5 Mbps between the district's core and 7 remote campuses. A table of locations is attached and labeled "[LFCISD WAN Locations](#)".
- Internet Access – Internet access services capable of providing 12 to 18 Mbps, including basic firewall and filtering appropriate for a K-12 educational setting. (Filtering is not eligible for E-rate funding and should not be included as part of the eligible products. If filtering is included, it must be cost allocated according to E-Rate rules and will be paid for in full by the district if contracted or it must qualify as ancillary use under Special Eligibility Conditions as listed in the E-rate eligibility list. Vendors are asked to identify the eligibility type of filtering provided.)

Technical Services consisting of:

- Basic maintenance and technical support - A network maintenance services agreement which furnishes 400 hours of basic maintenance and technical support for E-rate eligible products and services such as: repair and upkeep of eligible hardware, wire and cable maintenance, basic technical support and configuration changes.
- Basic maintenance and technical support - A hardware maintenance services agreement (SMARTNet) for E-rate eligible network routing and switching hardware manufactured by Cisco Systems, Inc. Cisco's SMARTNet listing is attached as a worksheet in the file "[CiscoSpecs05.xls](#)".

Priority 2 Internal Connections consisting of:

- Data Distribution Hardware – Routers, Switches and associated E-rate eligible hardware, equipment, installation and configuration required to operate the data distribution components as specified in the attachment labeled "[HardwareSpecs05.xls](#) and [CiscoSpecs05.xls](#)". Los Fresnos CISD specifies equipment manufactured by Cisco Systems, Incorporated. However, vendors may choose to quote equipment manufactured by other companies provided the equipment is capable of equal or better performance, has demonstrated a high standard of quality and reliability and is qualified by USAC as an E-rate eligible product.
- Uninterruptible Power Supplies – Battery backup power sufficient to power E-rate eligible data distribution hardware in the event of a power failure. Los Fresnos CISD has specified certain equipment capable of providing 1½ to 3 hours of backup power in the attachment labeled "[HardwareSpecs05.xls](#)". Vendors may choose to quote equipment manufactured by other companies provided the equipment is capable of equal or better performance, has demonstrated a high standard of quality and reliability and is qualified by USAC as an E-rate eligible product.
- Cabling – Cabling and related components which may include bays, jacks, blocks, panels, and terminals to establish 300 certified category 6 connections for transport of voice, video and data. Avaya UTP cable and components are preferred however, vendors may choose to quote equipment manufactured by other companies provided the equipment is capable of equal or better performance, has demonstrated a high standard of quality and reliability and is qualified by USAC as an E-rate eligible product.

- Communication Servers – Communication Servers required to facilitate the transport of voice, video and data to the end user within the district network by providing DNS (Domain Name Service) services, DHCP (Dynamic Host Configuration Protocol) services and Gateway services. Los Fresnos CISD Communication Server specifications can be found in the attachment labeled "[ServerSpecs05.xls](#)". Los Fresnos CISD has specified certain manufactures for the purpose of establishing a point of reference for determining capabilities. Vendors may choose to quote equipment manufactured by other companies provided the equipment is capable of equal or better performance, has demonstrated a high standard of quality and reliability and is qualified by USAC as an E-rate eligible product.

This page was updated 1-21-05 to reflect a link to a file that contains servers only. Previously, the servers were part of the hardware specs.

FORMAT: Detailed quotes should be submitted according to the USAC guidelines for Item 21 attachments which can be found at:

<http://www.sl.universalservice.org/reference/Form471item21Attachments.asp>.

SITE VISIT ENCOURAGED: Vendors submitting quotes on priority 2 - internal connections should arrange to make a site visit with Mr. Merv White, WAN Specialist.

TIMELINE: All quotes must be submitted to Mr. David Young by 12:00PM Noon, January 31st at the office located at 32614 State Hwy 100 (District Network Core) in Los Fresnos.

ADDITIONAL INFORMATION: Additional information can be provided by Mr. Merv White, mervw@lfcisd.net or Mr. David Young dyoung@lfcisd.net.

EXHIBIT E – LFCISD’s Form 470 for FY 2005

Schools and Libraries Universal Service Description of Services Requested and Certification Form 470

Estimated Average Burden Hours Per Response: 4 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator Web Site and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before beginning this application. (You can also file online at www.sl.universalservice.org)

Applicant's Form Identifier (Create your own code to identify THIS Form 470)

4 7 0 - 0 5

Form 470 Application #:

149540000529411

(To be inserted by Fund Administrator)

Block 1: Applicant Address and Identifications

1 Name of Applicant

L O S F R E S N O S C O N S I N D S C H D I S T

2 Funding Year

July 1, 2 0 0 5 through June 30, 2 0 0 6

3 Your Entity Number

1 4 1 6 5 6

4a Street Address, P.O. Box, or Route Number

6 0 0 N M E S Q U I T E S T

City

L O S F R E S N O S

State

T X

Zip Code

7 8 5 6 6

b Telephone Number

9 5 6 - 2 3 3 - 4 4 0 7 Ext

c Fax Number

9 5 6 - 2 3 3 - 9 7 6 1

d E-mail Address

j w i l l a r s @ t e n e t . e d u

5 Type of Application

- ☐ Individual School (individual public or non-public school)
- ☒ School District (LEA; public or non-public [e.g. diocesan] local district representing multiple schools)
- ☐ Library (including library system, library branch or library consortium applying as a library)
- ☐ Consortium (intermediate service agencies, states, state networks, special consortia)



Entity Number	141656	Applicant's Form Identifier	470-05
Contact Person	David Young	Contact Telephone Number	(956) 233-4407

Block 2: Summary Description of Needs or Services Requested (Continued)

8 Telecommunications Services
Item 8, page 1 of 1

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

a ☐ **YES**, I have an RFP. It is available on the Web at:

or via (check one)

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services. Remember that only eligible telecommunications providers can provide these services under the universal service support mechanism. Add additional pages if needed.

	Service or Function	
1)	Quantity and/or Capacity	

	Service or Function	
2)	Quantity and/or Capacity	

	Service or Function	
3)	Quantity and/or Capacity	

	Service or Function	
4)	Quantity and/or Capacity	

	Service or Function	
5)	Quantity and/or Capacity	



Entity Number	141656	Applicant's Form Identifier	470-05
Contact Person	David Young	Contact Telephone Number	(956) 233-4407

Block 2: Summary Description of Needs or Services Requested (Continued)

9 Internet Access
Item 9, page 1 of 1

Do you have a Request for Proposal (RFP) that specifies the services you are seeking?

a ☐ **YES**, I have an RFP. It is available on the Web at:

or via (check one)

☐ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

b ☒ **NO**, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access services. Add additional pages if needed.

1)	Service or Function	<div style="border: 1px solid black; padding: 2px;">I n t e r n e t A c c e s s S e r v i c e s</div>
	Quantity and/or Capacity	<div style="border: 1px solid black; padding: 2px;">D i s t r i c t w i d e</div>

2)	Service or Function	<div style="border: 1px solid black; padding: 2px;">W i d e A r e a N e t w o r k S e r v i c e s</div>
	Quantity and/or Capacity	<div style="border: 1px solid black; padding: 2px;">D i s t r i c t w i d e</div>

3)	Service or Function	<div style="border: 1px solid black; height: 20px;"></div>
	Quantity and/or Capacity	<div style="border: 1px solid black; height: 20px;"></div>

4)	Service or Function	<div style="border: 1px solid black; height: 20px;"></div>
	Quantity and/or Capacity	<div style="border: 1px solid black; height: 20px;"></div>

5)	Service or Function	<div style="border: 1px solid black; height: 20px;"></div>
	Quantity and/or Capacity	<div style="border: 1px solid black; height: 20px;"></div>



Contact Person David Young **Contact Telephone Number** (956) 233-4407

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

- See District Purchasing Guideline
s located at <http://www.lfcd.net/purchasing/>.

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Entity Number	141656	Applicant's Form Identifier	470-05
Contact Person	David Young	Contact Telephone Number	(956) 233-4407

Block 3: Technology Assessment

- 14** ☐ **Basic telephone service only:** If your application is for basic local and/or long distance telephone service (wireline or wireless) only, check this box and skip to Item 16.
- 15** Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is **ONLY** for basic telephone service, you must check at least one box in **a** through **e**. You may provide details for purchases being sought.

Desktop software: Software required

- a. ☒ has been purchased; and/or ☒ is being sought.

Electrical systems:

- b. ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for electrical capacity is being sought.

Computers: a sufficient quantity of computers

- c. ☒ has been purchased; and/or ☒ is being sought.

Computer hardware maintenance: adequate arrangements

- d. ☒ have been made; and/or ☒ are being sought.

Staff development:

- e. ☒ all staff have had an appropriate level of training/additional training has already been scheduled; and/or ☒ training is being sought.

- f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16 Eligible Entities That Will Receive Services:

Check the ONE choice (**a**, **b** or **c**) that best describes this application and the eligible entities that will receive the services described in this application. You will then list in Item 17 the entity/entities that will pay the bills for these services.

- a** ☐ **Individual school or single-site library.**

- b** ☐ **Statewide application for (enter 2-letter state code)** ☐ **representing (check all that apply):**

- ☐ All public schools/districts in the state.
- ☐ All non-public schools in the state.
- ☐ All libraries in the state.

Does your statewide application include INELIGIBLE entities? ☐ No ☐ Yes. If yes, complete item 18.



Entity Number	141656	Applicant's Form Identifier	470-05
Contact Person	David Young	Contact Telephone Number	(956) 233-4407

Block 4: Recipients of Service (Continued)

16c ☒ School district, library system, or consortium application to serve multiple eligible entities: Item 16c, page 1 of 1

Number of eligible entities 9

For these eligible entities, please provide the following:

Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of 7-digit phone number)
1) 9 5 6	2 3 3 3 5 0 7 4 8 5 0 4
2) 	
3) 	
4) 	
5) 	
6) 	
7) 	
8) 	
9) 	
10) 	
11) 	
12) 	
13) 	
14) 	

Does your application include any INELIGIBLE entities? ☒ No ☐ Yes. If yes, complete item 18.



Entity Number	141656	Applicant's Form Identifier	470-05
Contact Person	David Young	Contact Telephone Number	(956) 233-4407

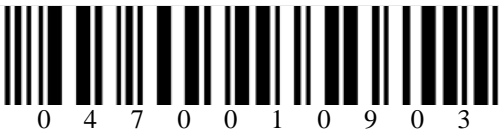
Block 4: Recipients of Service (Continued)

17 Billed Entities

List the entity/entities that will be paying the bills directly to the provider for the services requested in this application. These are known as Billed Entities. At least one line of this item must be completed. Attach additional sheets if necessary.

Item 17, page1 of1

Entity Number	Entity
1) 141656	LOS FRESNOS CONS IND SCH
2)	
3)	
4)	
5)	
6)	
7)	
8)	
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20)	



Entity Number	141656	Applicant's Form Identifier	470-05
Contact Person	David Young	Contact Telephone Number	(956) 233-4407

Block 4: Recipients of Service (Continued)

18 Ineligible Participating Entities: Does your application also seek bids on services to entities that are not eligible for the Universal Service Program? If so, list those entities here **Item 18, page** 1 **of** 1
(attach pages if needed):

Ineligible Participating Entity	Area Code and Prefix
1) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
2) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
3) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
4) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
5) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
6) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
7) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
8) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
9) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
10) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
11) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
12) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
13) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
14) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
15) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
16) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
17) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>
18) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div> - <div style="border: 1px solid black; display: inline-block; width: 20px; height: 20px;"></div>



Entity Number	141656	Applicant's Form Identifier	470-05
Contact Person	David Young	Contact Telephone Number	(956) 233-4407

Block 5: Certification and Signature

- 19** The applicant includes: (Check one or both.)
- a** ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b** ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).
- 20** All of the individual schools, libraries, and library consortia receiving services under this application are covered by:
- a** ☒ individual technology plans for using the services requested in the application; and/or
- b** ☐ higher-level technology plans for using the services requested in the application; or
- c** ☐ no technology plan needed; application requests basic local and/or long distance telephone service only.
- 21** Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):
- a** ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b** ☐ technology plan(s) will be approved by a state or other authorized body.
- c** ☐ no technology plan needed; application requests basic local and/or long distance telephone service only.
- 22** I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.
- 23** I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.
- 24** I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25 Signature of authorized person	26 Date
--	----------------

27 Printed name of authorized person

D a v i d Y o u n g

28 Title or position of authorized person

C o m p u t e r S e r v i c e s D i r e c t o r

29a Street Address, P.O. Box, or Route Number

P O B o x 3 0 9

City

L o s F r e s n o s

State

T X

Zip Code

7 8 5 6 6

ext.

29c Fax number of authorized person

29b Telephone number of authorized person

9 5 6 - 2 3 3 - 3 7 4 0

9 5 6 - 2 3 3 - 3 5 2 7

29d E-mail address of authorized person

d y o u n g @ l f c i s d . n e t

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests.

For more information, refer to the "Service Provider Role in Assisting Customers" at www.sl.universalservice.org/vendor/manual/chapter5.doc or call the Client Service Bureau at 1-888-203-8100.



Entity Number	141656	Applicant's Form Identifier	470-05
Contact Person	David Young	Contact Telephone Number	(956) 233-4407

Block 5: Certification and Signature (Continued)

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of a FCC statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

Please submit this form to:

SLD-Form 470
P.O. Box 7026
Lawrence, Kansas 66044-7026
1-888-203-8100

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

SLD-Form 470
c/o Ms. Smith
3833 Greenway Drive
Lawrence, Kansas 66046
1-888-203-8100



David Young
Los Fresnos Consolidated Independent School
District
P.O. Box 309
Los Fresnos, TX 78566

Billed Entity Number: 141656
Form 471 Application Number: 482490
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

August 15, 2006

David Young
Los Fresnos Consolidated Independent School District
P.O. Box 309
Los Fresnos, TX 78566

Re: Applicant Name: LOS FRESNOS CONS IND SCH DIST
Billed Entity Number: 141656
Form 471 Application Number: 482490
Funding Request Number(s): 1336058
Your Correspondence Received: February 10, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1336058
Decision on Appeal: **Denied**
Explanation:

- You are appealing your Funding Commitment decision that you failed to advise bidders that an RFP was issued. You state that you responded to your Selective Review Information Request regarding RFP's because of ambiguous language, but that the district was only requesting quotes for specific sets of equipment and services. You believe that USAC erred in its initial review by not giving an exact definition of the RFP process and there was a misunderstanding of the district's bidding process on the part of the reviewer. Additionally, you state that all vendors could respond as long as they provided the items on the quote, which you confirm provides the complete list of the requested items and services. You seek that your appeal be granted and your district's application be reconsidered.

- After thorough review of the appeal and the relevant facts and documentation, it was determined that the Form 470 stated that the district did not have RFPs available for the requested services. During USAC's review, you were asked provide copies of any and all requests for proposals (RFPs), invitation to bid, request for bids, documentation of bid requests for services and/or products requested, or other solicitations in any way associated with the funding request(s). In the response to USAC, you provided copies of the Request for Quotes for the requested Telecommunications, Internet Access and Internal Connection services. The Request for Quotes indicated that all quotes must be submitted according to USAC guidelines and must be received by the district by January 31, 2005. As is noted on USAC's website, <http://www.usac.org/sl/applicants/step03/describe-services-requested.aspx>, Requests for Proposals (RFP) "define the specific services or functions (including quantity and/or capacity) for which funding will be sought." Although you claim that the Request for Quotes is not a Request for Proposal, you confirm that the Request for Quotes was used to provide the complete list of requested services and items and that the Form 470 did not provide the complete list. The Request for Quotes is a descriptive listing of all services requested. Therefore, it is a request for proposal. In addition, the district does not indicate on the Form 470 that an RFP exists. Instead, they direct vendors to the district's purchasing website at <http://www.lfcisd.net/purchasing/vendorinfo.htm> for district purchasing guidelines. This website states there is a mailing list of vendors that the district used to send the request for quotes. Although you claim on appeal that all vendors could respond, you also verify that the vendors must have responded with the items on the quote. You have not provided proof that all potential bidders were advised of the existence of the Request for Quotes. As is noted on USAC's website, <http://www.usac.org/sl/applicants/step03/run-open-fair-competition.aspx>, the district needed to indicate on their Form 470 that they did in fact have an RFP. You have failed to provide evidence on appeal that USAC erred in its original decision. Consequently, the appeal is denied.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

David Young
Los Fresnos Consolidated Independent School
District
P.O. Box 309
Los Fresnos, TX 78566

Billed Entity Number: 141656
Form 471 Application Number: 460009
Form 486 Application Number:



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2005-2006

August 15, 2006

David Young
Los Fresnos Consolidated Independent School District
P.O. Box 309
Los Fresnos, TX 78566

Re: Applicant Name: LOS FRESNOS CONS IND SCH DIST
Billed Entity Number: 141656
Form 471 Application Number: 460009
Funding Request Number(s): 1327365, 1327694, 1328210
Your Correspondence Received: February 10, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2005 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1327365, 1327694, 1328210
Decision on Appeal: **Denied**
Explanation:

- You are appealing your Funding Commitment decision that you failed to advise bidders that an RFP was issued. You state that you responded to your Selective Review Information Request regarding RFP's because of ambiguous language, but that the district was only requesting quotes for specific sets of equipment and services. You believe that USAC erred in its initial review by not giving an exact definition of the RFP process and there was a misunderstanding of the district's bidding process on the part of the reviewer. Additionally, you state that all vendors could respond as long as they provided the items on the quote, which you confirm provides the complete list of the requested items and services. You seek that your appeal be granted and your district's application be reconsidered.

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If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company